



METROPOLITAN
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COMMISSION

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Memorandum

TO: Local Streets and Roads Working Group (LSRWG)

DATE: July 10, 2013

Partnership Programming and Delivery Working Group
(PDWG)

County Coordinators of TDA, Article 3

FR: Cheryl Chi

W. I. 1514

RE: **Clarification of Bicycle Advisory Committee (BAC) Requirement in Transportation Development Act, Article 3 Policies and Procedures**

MTC updated its policies and procedures for Transportation Development Act (TDA), Article 3, Pedestrian and Bicycle funding on June 26, 2013. The new guidance will take effect with claims submitted for FY 2014-15 funding. The policies and procedures (MTC Resolution 4108) can be found on the following website: <http://www.mtc.ca.gov/funding/STA-TDA/>.

The purpose of this memorandum is to provide guidance on the implementation of the Bicycle Advisory Committee (BAC) review requirement. Below are answers to some of the most common questions we have received regarding this requirement.

1. May an agency designate an alternative Committee to serve as the BAC?

Yes, another Committee may serve as the BAC. This Committee should meet the requirements of a BAC stipulated in the policies and procedures. These include:

- 3 or more members for a city or at least 5 members at the county/countywide level
- Appointed by the City Council or Board
- Composed of both bicyclists and pedestrians

A city council resolution identifying the other Committee as the BAC or acknowledgement of the committee's role as the BAC in the bylaws of the committee is required.

2. Agencies will be exempted from the BAC requirement if they can demonstrate that the countywide BAC provides for expanded city representation. How is MTC staff defining "expanded city representation?"

The countywide BAC should provide for representation from all jurisdictions. The unincorporated county is considered equivalent to a jurisdiction and should have a representative on the countywide BAC in order to meet "expanded city representation."

3. How does an agency apply for exemption?

An agency wishing to apply for an exemption should adopt a resolution identifying the countywide BAC as the review body for TDA, Article 3 funding. The agency should also appoint its representative on the countywide BAC by resolution. The written request to MTC should include an explanation of how the agency intends to utilize an alternative countywide process that meets the requirements of MTC's policies. MTC staff will respond, confirming whether the exemption request is approved.

4. How long will the exemption apply?

The exemption will apply as long as the provision included in MTC Resolution 4108 remains in effect as written.

5. Should the request for an exemption be made to the County/CMA, MTC, or both?

MTC policy requires that the request for an exemption be submitted to MTC. Agencies seeking an exemption should also coordinate with the County/CMA to ensure that it will act as the BAC for the agency. The request for an exemption should demonstrate how the countywide BAC provides for expanded city representation.

6. Is concurrence from the County or CMA required to apply for an exemption?

No official/formal concurrence is required from the County or CMA. However, MTC will consult with the County and/or CMA on exemption requests.

7. Are “county” and “countywide” the same thing?

A county may want to form a BAC to represent unincorporated areas within the county, or they may want to use the CMA's BAC for that purpose. If the county chooses to use the CMA's BAC, the county will need to apply to MTC for an exemption from the BAC requirement, similar to what a city or town would need to do.

8. How does an agency notify MTC that it has complied with the policy requiring BAC review of proposed projects?

As part of the funding application process, the BAC review requirement will be enforced through the project sponsor's adoption of a resolution of local support certifying that the project has been reviewed by a BAC. MTC staff will recommend allocation of funding only after appropriate documentation (including the local support resolution) has been received.

Please note that the templates for the funding application and the required local support resolution will be updated. When this information is available, an email notification will be sent to the County Coordinators.

Clarification of BAC Requirement

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In addition, please remember that project-level environmental, planning, and right-of-way phases are ineligible for TDA Article 3 funding (see bullet 6 on page 6 of Attachment A to MTC Resolution 4108).

Should you have further questions regarding the TDA, Article 3 policies and procedures, please email me at cchi@mtc.ca.gov or call me at 510-817-5939.